

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MATTHEW SCOTCHMER,

Plaintiff,

-vs-

17-CV-6561 (CJS)

JIM PERRY,

ORDER

Defendant.

The Honorable Marian W. Payson, United States Magistrate Judge, having issued a Report and Recommendation (Docket No. [#23]) on November 6, 2019, recommending that Plaintiff's action should be dismissed with prejudice for failure to prosecute, and no objections having been filed although the time for filing objections has passed, it is hereby

ORDERED, that the Report and Recommendation [#23] dismissing this action with prejudice is affirmed and adopted in all respects.

The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith and leave to appeal to the Court of Appeals as a poor person is denied. *Coppedge v. United States*, 369 U.S. 438 (1962). Further requests to proceed on appeal *in forma pauperis* should be directed on motion to the United States Court of Appeals for the Second Circuit in accordance with Rule 24 of the Federal Rules of Appellate Procedure. The Clerk of the Court is directed to close this action.

IT IS SO ORDERED.

Dated: November 27, 2019
Rochester, New York

Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge